



**Legislative Bulletin.....September 21, 2005**

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**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs: 3**

**Total Cost of Discretionary Authorizations: \$2.03 billion over five years**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

**Total New State & Local Government Mandates: 0**

**Total New Private Sector Mandates: 0**

**Number of *Bills* Without Committee Reports: 2**

**Number of *Reported* Bills that Don't Cite Specific Clauses of Constitutional Authority: 1**

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**H.Con.Res. 242—Providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall (Wilson of NM)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 242 would provide for the statue of Po'Pay, as furnished by the state of New Mexico, to be placed in the U.S. Capitol's National Statuary Hall. The State of New Mexico could use the Rotunda of the Capitol on September 22, 2005, for a presentation ceremony for the statue. The statue will be displayed in the Rotunda for up to six months, after which the statue will be moved to its permanent location in the National Statuary Hall Collection.

The Clerk of the House would have to transmit an enrolled copy of this resolution to the Governor of New Mexico.

**Additional Background:** Po'Pay, a Pueblo Indian, organized a rebellion for religious and other freedoms in 1680 against the Spaniards.

**Committee Action:** On September 14, 2005, the resolution was referred to the Committee on House Administration, which took no official action on it.

**Cost to Taxpayers:** Any costs incurred by the provisions in this resolution would be insignificant.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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## **S. 1368—United States Parole Commission Extension and Sentencing Commission Authority Act (Senator Specter)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill. On July 1, 2005, the Senate passed the bill by unanimous consent. The bill is being held at the desk in the House.

**Summary:** S. 1368 would extend the U.S. Parole Commission, currently set to expire on October 31, 2005, for three years, and direct the U.S. Sentencing Commission to amend the federal sentencing guidelines, commentary, and policy statements to implement provisions of:

- the Intelligence Reform and Terrorism Prevention Act of 2004 (requiring increases in statutory penalties and the offense level for making false statements to federal authorities and for obstructing administrative or congressional proceedings if the matter relates to international or domestic terrorism) (Public Law 108-458); and

- the Anabolic Steroid Control Act of 2004 (providing for increased penalties for offenses involving anabolic steroids) (Public Law 108-358).

In both cases (60 days for Intelligence Reform and 180 days for Anabolic Steroids), this bill would provide for amendments outside the Commission's normal amendment cycle.

**Additional Background:** For information on the U.S. Parole Commission, visit this website: <http://www.usdoj.gov/uspc/index.htm>

For information on the U.S. Sentencing Commission, visit this website: <http://www.ussc.gov/>

**Committee Action:** The bill has been held at the desk in the House since July 11, 2005, and has not been referred to a committee. An identical bill, H.R. 3020, was reported by the House Judiciary Committee.

**Cost to Taxpayers:** CBO reports that an identical bill, H.R. 3020, would authorize \$10 million in FY2006 and a total of \$32 million over the FY2006-FY2008 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report is available for S. 1368, the House Judiciary Committee, in House Report 109-176, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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### **H.R. 3667—Karl Malden Station Post Office Designation Act—as *introduced (Waxman)***

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3667 would designate the U.S. postal facility located at 200 South Barrington Street in Los Angeles, California, as the “Karl Malden Station.”

**Additional Background:** Karl Madden is a well-known actor. For more background on Madden, visit this website: [http://en.wikipedia.org/wiki/Karl\\_Malden](http://en.wikipedia.org/wiki/Karl_Malden).

**Committee Action:** On September 15, 2005, the Government Reform Committee marked up and forwarded the bill to the full House by unanimous consent.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

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### **H.R. 3767—Jacob L. Frazier Post Office Building Designation Act—as *introduced (Hastert)***

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3767 would designate the U.S. postal facility located at 2600 Oak Street in St. Charles, Illinois, as the “Jacob L. Frazier Post Office Building.”

**Additional Background:** Jacob L. Frazier, 24, died in service to his country in Afghanistan more than two years ago. For more information, visit this website: <http://www.nbc5.com/news/2074979/detail.html>

**Committee Action:** On September 15, 2005, the Government Reform Committee marked up and forwarded the bill to the full House by unanimous consent.

**Cost to Taxpayers:** The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to “establish Post Offices and post Roads.”

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**H.Res. 429—Congratulating the West Oahu Little League Baseball Team for winning the 2005 Little League Baseball World Series (Abercrombie)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 429 would resolve that the House “congratulates the West Oahu Little League Baseball Team on its victory in the 2005 Little League World Series Championship games.”

**Additional Background:** On Sunday, August 28, 2005, the West Oahu Little League baseball team of Ewa Beach, Hawaii, defeated the Curacao Little League team, by a score of 7-6, to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania.

**Committee Action:** On September 15, 2005, the Government Reform Committee marked up and forwarded the resolution to the full House by unanimous consent.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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**H.J.Res. 61—Supporting the goals and ideals of Gold Star Mothers Day (Gutknecht)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, September 21<sup>st</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.J.Res. 61 would resolve that Congress:

- “supports the goals and ideals of Gold Star Mothers Day; and
- “requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.”

**Additional Background:** The resolution notes that, “American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces.” September 25, 2005, is being recognized as Gold Star Mothers Day.

**Committee Action:** On September 15, 2005, the Government Reform Committee marked up and forwarded the resolution to the full House by unanimous consent.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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## **H.R. 250 — Manufacturing Technology Competitiveness Act of 2005 (Ehlers)**

**Order of Business:** The bill is scheduled for consideration on September 21, 2005, subject to a rule. Amendments will be summarized in a separate RSC document tomorrow.

An almost identical bill introduced in the 108<sup>th</sup> Congress, H.R. 3598, passed the House by a voice vote on July 9, 2003.

**Summary:** H.R. 250 creates a new interagency committee, establishes two new grant programs for state and local government and for institutions of higher education, and modifies the requirements of the Manufacturing Extension Partnership (MEP) program, among other provisions. The specific provisions of the bill are as follows:

- H.R. 250 directs the President to create a new Interagency Committee (IC) to plan and coordinate Federal efforts in *private sector* manufacturing research and development with a new non-federal Advisory Committee. Requires the IC to include representatives from at least five separate federal agencies. Among other things, the IC will be responsible for “establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training.” (*emphasis added*)
- Establishes a new pilot program of collaborative manufacturing research grants “to foster cost-shared collaborations among firms, educational institutions, research institutions, state agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies.”
- Establishes a new program to award manufacturing sciences research fellowships at the postdoctoral and the senior, established researcher levels.
- Revises requirements for the evaluation of Centers under the National Institute of Standards and Technology (NIST) Act’s MEP program, allowing for a Regional Center for the Transfer of Manufacturing Technology that does not receive a positive evaluation to be placed on a one-year probation period with a

- reevaluation occurring after the probationary period. According to CBO, “under current law, such a center would not receive a probationary period and would not receive funding for the fourth through the sixth year of the grant period.”
- Requires the NIST Director to establish, within the MEP program, a new program of competitive grant awards, among Centers or consortia of Centers, to develop projects to solve new or emerging manufacturing problems.
  - Authorizes appropriations of \$1.33 billion for FY06-FY08 to the Secretary of Commerce for various NIST programs.
  - Directs the Secretary to report to Congress on: (1) impacts of the possible elimination of the Advanced Technology Program on NIST laboratory programs; and (2) how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to NIST laboratory programs, or otherwise mitigate the effects of this loss on its programs and personnel.
  - Directs the Secretary, as part of Teacher Science and Technology Enhancement Institute program, to carry out a new program of standards education grants to develop higher education curricula on the role of standards in engineering, business, science, and economics. Authorizes appropriations for FY06-FY08 to the Secretary for the Teacher Science and Technology Enhancement Institute program of NIST.

**Possible Conservative Concerns:** Some conservatives may find it anathema to free-market principles to provide public funding to encourage competitiveness in the private sector. Conservatives may also find the cost of the bill, approximately \$2 billion over five years, disconcerting in a time of rising federal deficits and moderate economic growth.

**Amendments:** There are eight amendments currently submitted and listed on the Rules website, but the Rules Committee has not finalized the rule yet. A separate document will be distributed summarizing all of the amendments.

**Committee Action:** H.R. 250 was introduced on January 6, 2005, and referred to the Committee on Science’s Subcommittee on Environment, Technology, and Standards. The bill was considered and a mark-up session was held on March 15, 2005, and it was reported to the House by voice vote (H. Rept. [109-92](#)).

**Cost to Taxpayers:** CBO estimates “that H.R. 250 would authorize the appropriation of about \$2.1 billion for fiscal years 2006 through 2008 for programs administered by the National Institute of Standards and Technology (NIST) and the National Science Foundation (NSF). Assuming appropriation of the authorized amounts, CBO estimates that implementing **H.R. 250 would cost \$366 million in 2006 and about \$2 billion over the 2006-2010 period.** Enacting this bill would not affect direct spending or revenues.” (emphasis added)

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, as noted above. According to CBO, “H.R. 250 also would authorize two new grant programs for state and local government and for institutions of higher education. One grant would be a

pilot grant to encourage partnerships that could include state and local governments. These grants, which would be for one-third of the cost of the partnership, would be available for a three-year period. Grants to institutions of higher education would also be authorized to support the development of curricula on the role of standards in the fields of engineering, business, science, and economics.”

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?**: No. CBO states that “H.R. 250 contains no intergovernmental or private-sector mandates as defined in UMRA, but several sections of the bill would affect grant programs that benefit state and local governments.”

**Constitutional Authority**: The Committee Report, H. Rept. 109-92, cites constitutional authority for this legislation in Article 1, Section 8 (enumerated powers delegated to Congress) of the Constitution, but fails to cite a specific Clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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